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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,711	08/30/2001	Robert J. Simmons	SMG 301	1334

7590 07/29/2003
Robert D Varitz
Robert D Varitz PC
2007 S E Grant Street
Portland, OR 97214

EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 07/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

8

Office Action Summary

Application No.
09/943,711

Applicant(s)
Robert J. Simmons et al.

Examiner
YVONNE M. HORTON

Art Unit
3635



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 19, 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-17 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8, 12, 16, and 17 is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 9-11, and 13-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 requires that both the column and beam attachable members each have outwardly sloping surfaces that allow the columns and beam to be interconnected. This is not clear in that it appears that at least one attachable member needs to have an inwardly sloping face to offset the outwardly sloping face of the other. For instance, in claim 8, the column has the outwardly sloping face that interconnects with the inwardly sloping face of the beam. Clarification and correction are required.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-2,7,9-11 and 13-15 stand rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,289,665 to HIGGINS.

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Regarding claim 1, HIGGINS discloses the use of a moment-resistant structural system including an elongate beam (16), and elongate column (7,8) and a collar structure (6) having a column-axis-circumscribing portion (12) anchored to the beams (16) and columns (7,8) such that moment is transferred between the beam (16) and the columns (7,8), towards the columns, column 3, lines 50-53 . In reference to claim 2, the collar-axis-circumscribing portion (12) also serves as the column-attachable member and beam attachment member such that the members (6,12) are “floatingly” seated under gravity in that the portions (11) of member (12) are gravity seated within the portions (10) of member (6).

In reference to claim 7, HIGGINS discloses the use of a moment-resistant structural system including a plurality of elongate horizontal beams (16), and a plurality of elongate vertical columns (7,8) and a multi-axial collar structure including inner (6) and outer (12) circumscribing collar members connecting the beams (16) and columns (7,8) such that moment is transferred between the beam (16) and the columns (7,8), column 3, lines 50-53.

In reference to claim 9, the structure of HIGGINS inherently discloses the method of handling moment including the steps of preparing an elongate column (7,8) along its length with bearing surfaces (FA1); coupling elongate beams (16) thereto through bearing faces (FA2); and delivering loads from the beams (16) to the columns (7,8), column 3, lines 50-53.

Regarding claim 10, HIGGINS discloses a moment-resistant structure and interaction between a beam (16) and a column (7,8) including a collar having an inner collar member (6)

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selectively anchorable to an outer collar member (12); wherein the collar members (6,12) circumsurround the column (7,8) to transfer loads to the columns (7,8), column 3, lines 50-53.

In reference to claim 11, HIGGINS discloses the use of a moment-resistant structure including a first bearing face (FA1) joined to a column member (7,8), a second bearing face (FA2) joined to a beam member (16); a collar having an inner collar member (6) selectively anchorable to an outer collar member (12); wherein the collar members (6,12) circumsurround the column (7,8) and a connection structure (10,11) connecting the bearing faces (FA1, FA2).

Regarding claim 12, HIGGINS discloses the use of a moment-resistant structural system including a plurality of elongate horizontal beams (16), a plurality of elongate vertical columns (7,8), inner collar member (6), and outer collar member (12); wherein the inner (6) and outer (12) collar members connect the beams (16) and columns (7,8) through gravity attraction of cleat (11) within socket (10) such that moment is transferred between the beam (16) and the columns (7,8), column 3, lines 50-53.

In reference to claim 13, HIGGINS discloses the use of a moment-resistant structural system including an elongate beam (16), and elongate column (7,8) and an interconnect structure (6,12) connecting the beams (16) and columns (7,8) at simultaneous regions (10,11) such that moment is transferred between the beam (16) and the outside of columns (7,8), column 3, lines 50-53.

Regarding claim 14, HIGGINS discloses a multi-axial moment-resisting structure including plural columns (7,8). Plural beams (16) and plural interconnect collars (6,12); whereby

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loads introduced to the structure are borne throughout the entire structure. In reference to claim 15, moment is transferred between the beam (16) and the columns (7,8), column 3, lines 50-53; wherein inherently, each load is delivered to the column by each beam simultaneously..

Allowable Subject Matter

5. Claim 3 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.
6. Claim 4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
7. Claims 8,12,16 and 17 are allowed.
8. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach the use of a building frame including a circumscribing column and beam collar connecting member; wherein the column and beam have inwardly and outwardly sloping interconnecting faces.

Response to Arguments

9. Applicant's arguments filed 4/19/03 have been fully considered but they are not persuasive.

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In response to the applicant's argument that the collar structure of HIGGINS is not integral with the collar, the applicant is reminded that "integral" does not necessarily incorporate one or a single unit. Several members are fully capable of being joined together to form an "integral" product. Hence, the device of HIGGINS is a plurality of members joined together to form a secure collar unit.

In reference to the applicant's argument that there is nothing in HIGGINS to disclose the method as set fourth in the claims. Clearly, the structure of HIGGINS "inherently" discloses the method of forming his building component.

Regarding the applicant's argument that HIGGINS does not teach an inner/outer collar structure, clearly, the collar structure of HIGGINS is formed by member (6) as the inner collar and members the four (12) forming the outer collar.

In reference to the applicant's argument that the loads of HIGGINS are not distributed to the outside of the column, clearly loads will be distributed throughout the entire structure and particularly to the columns from the beams, column 3, lines 50-53. The load has to reach an outside of the column simultaneously at different locations because of the "hub-type" connection. A "hub" connection allows for load distribution evenly about a center or focal member.

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Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909.

YMH



July 28, 2003

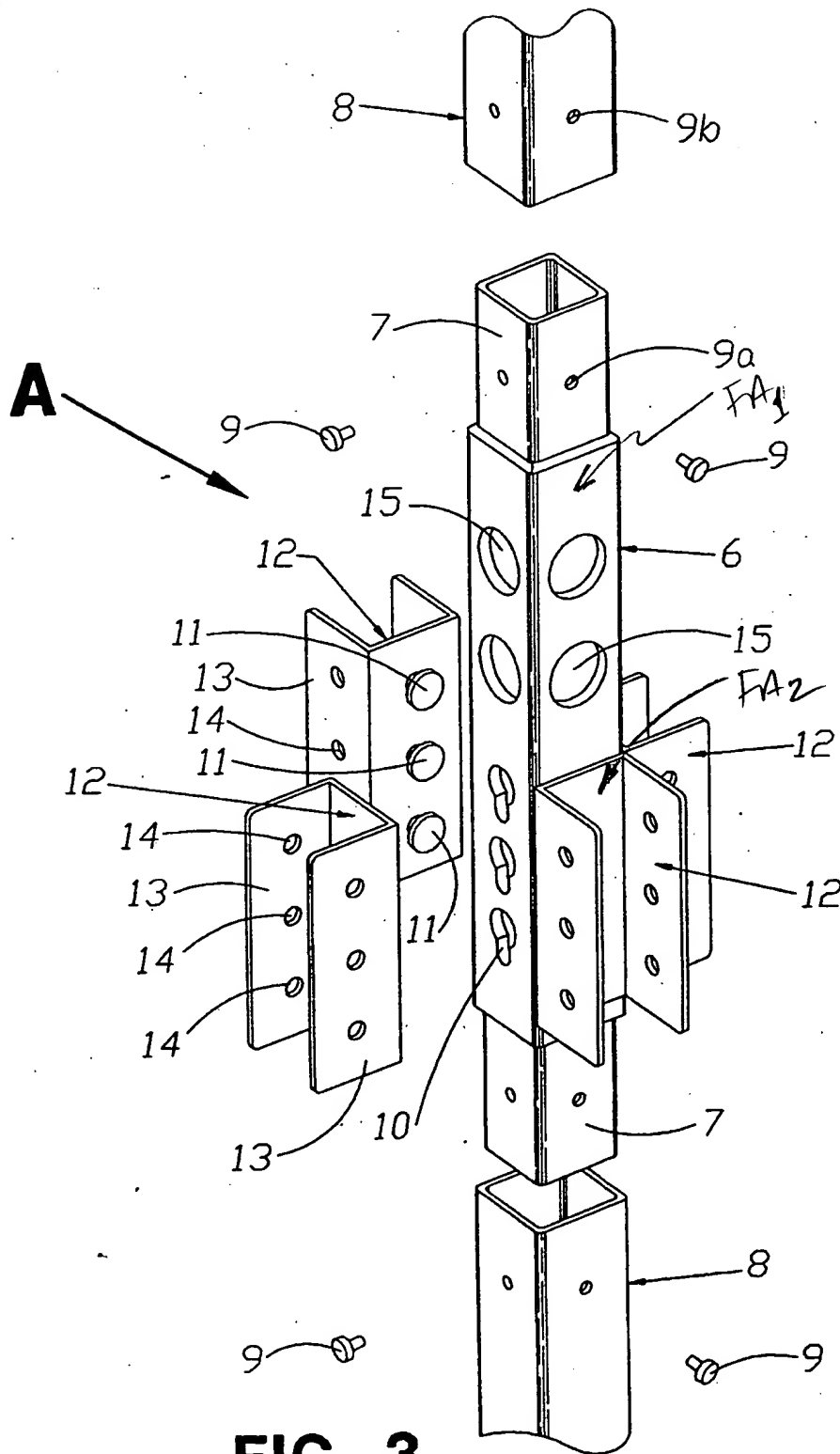


FIG. 3